REMARKS

I.   Summary of Office Action

Claims 1 and 4-12 are pending in the application.

The Examiner rejected claims 1, 4-6, 9, and 10 under 35 U.S.C. § 102(e) as being anticipated by Stanbach Jr. et al. U.S. Patent No. 6,449,657 (hereinafter "Stanbach").

The Examiner rejected claim 7 under 35 U.S.C. § 103(a) as being unpatentable over Stanbach in view of Chen et al. U.S. Patent No. 6,857,024 (hereinafter "Chen").

The Examiner rejected claims 8 and 11 under 35 U.S.C. § 103(a) as being unpatentable over Stanbach in view of Gerace U.S. Patent No. 5,991,735 (hereinafter "Gerace").

The Examiner rejected claim 12 under 35 U.S.C. § 103(a) as being unpatentable over Stanbach in view of Chen and in further view of Gerace.

II.   The Prior Art Rejections of the Claims

The Examiner rejected each of pending independent claims 1 and 9 under 35 U.S.C. § 102(e) as being unpatentable over Stanbach. The Examiner's rejection of these claims under this section is respectfully traversed.

Applicants maintain the arguments set forth in the Reply to Office Action filed on May 16, 2006 and the Reply to Office Action filed on November 9, 2006, and submit that the Office Action still fails to provide support for the contention that Stanbach anticipates applicants' claims 1 and 9. For clarity, however, applicants are providing additional arguments herein regarding the distinctions between applicants' claims and Stanbach.

Applicants' amended independent claims are, generally speaking, directed towards methods and systems for providing a narrative framework for creating a personalized advertisement for an intended audience. A default advertisement example is received from an advertiser, where the example is a completed personalized advertisement that includes inserted video segments and audio segments. The default advertisement example provides an intended message from the advertiser to the intended audience. As described in applicants' specification, "[t]his provides the starting point for later construction of a message template or templates 56, Fig. 2 and a resource library (media segments 54) from which the various personalized versions of this message are assembled." (See applicants' specification, page 14, lines 18-20.)

7

General characteristics of members of the intended audience are delineated and a set of target entity qualification data factors are created, which are used in database searches to acquire a list of entities to distribute the assembled personalized advertisement. The entity profile template is also created that includes a substantially complete definition of information about each of the entities that is to be acquired by the database search.

Based on the default advertisement example, an advertisement template that includes a plurality of media segments slots arranged in time sequence order is constructed. As shown below, Figures 4 and 6 of applicants' specification show examples of advertisement templates.
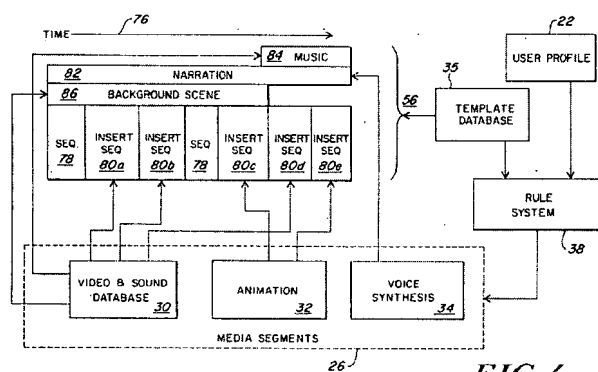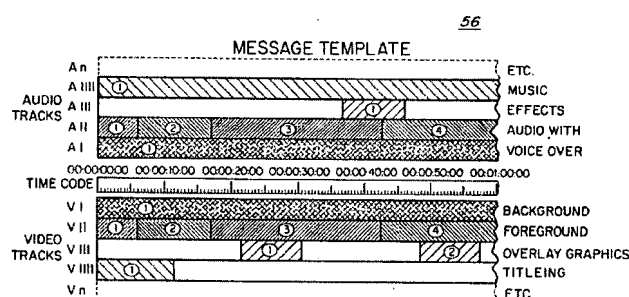

FIG. 4

FIG. 6

An advertisement resource library that includes a plurality of media segments including video segments and audio segments is constructed, where the audio segments and video segments are incomplete portions of a complete personalized advertisement. The personalized advertisement is constructed by selecting one or more video segments and one or more audio segments from the advertisement resource library using the entity profile template and inserting them into the media segment slots of the advertisement template.

Stanbach, on the other hand, describes a domain name server that provides electronic message forwarding services. In particular, Stanbach describes extracting information from an e-mail message (e.g., recipient information and keywords or phrases from the body of the e-mail), generating one or more query for advertisements matching the demographic profile of the intended recipient, and associating one or more advertisements with the e-mail. The advertisements are inserted into the e-mail message body, attached to the e-mail message, or attached or inserted in subsequent e-mail messages. (See, e.g., Stanbach, col. 9, line 59 through col. 10, line 10.)

With respect to Stanbach, it can readily be seen that this patent is concerned with customizing the delivery of completed advertisements, while the claimed invention is directed to customizing and creating a personalized advertisement.

In particular, nowhere in Stanbach is it described that the "audio and video segments are incomplete portions of a complete personalized advertisement." Instead, as shown in Figure 7 from Stanbach (shown below), in response to extracting the keywords "Jurassic Park" and "Pizza" from the body of the e-mail message, the mail transfer agent of Stanbach queries the database and receives a theatre advertisement 736 and a pizza advertisement 740 (i.e., two completed advertisements). These two completed advertisements are inserted or attached to the e-mail.

Fig. 7
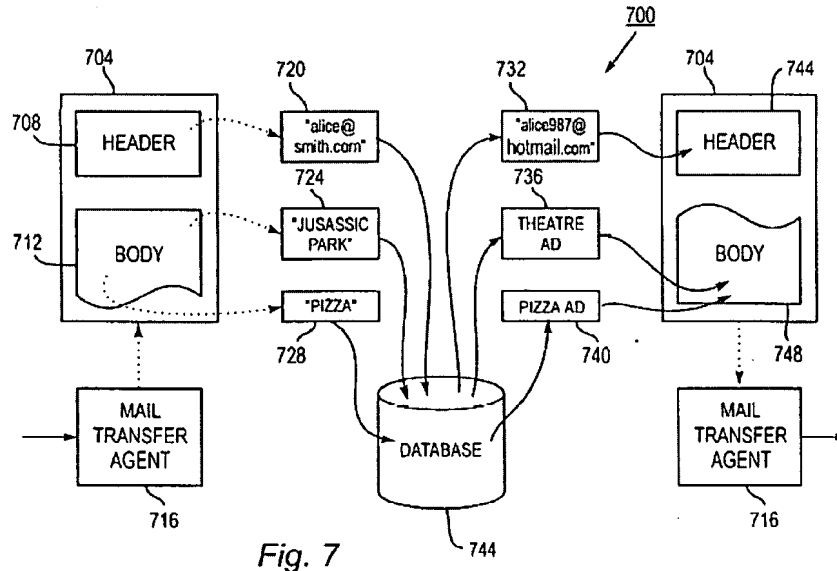
In addition, nowhere in Stanbach is it described that "an advertisement template based on the at least one default advertisement example that includes a plurality of media segment slots arranged in time sequence order" is constructed. As explained in applicants' specification and as claimed, "[t]he message template 56 describes a framework to create and complete a personalized message 72 for the selected individual 24. The message template 56 runs for a certain length of time, as shown by arrow 76." (See applicants' specification, page 12, lines 17-19.)

Nevertheless, in rejecting the claims, the Examiner asserts that column 11, lines 17-22 and column 20, lines 51-53 of Stanbach show an advertisement template. (See Office Action,

9

page 2.) Contrary to the Examiner's assertion, applicants respectfully submit that those portions of Stanbach describe "an ads table" from which a subset of advertisements that match the demographic profile of the intended recipient are selected. For example, the advertisement is retrieved from the database and "inserted into the border 812 to form border 852." The e-mail message of Stanbach does not show or suggest including "a plurality of media segments slots arranged in time sequence order." Moreover, the advertisements in Stanbach are not inserted into slots arranged in time sequence order to assemble a personalized advertisement.

Stanbach also does not show or suggest receiving a default advertisement example. The Examiner asserts that column 12, line 65 through column 13, line 2 of Stanbach show a default advertisement example. However, this portion of Stanbach states that, if the demographic information of the client is unknown, the Stanbach system uses the demographic information of the registered contact for the corresponding domain name.

To more particularly claim what applicants regard as their invention, applicants have amended the independent claims to state that "at least one default advertisement example of a personalized advertisement from an advertiser, wherein said at least one default advertisement example is a completed personalized advertisement that includes inserted video segments and audio segments and that provides an intended message from said advertiser to said intended audience" is received. Applicants' specification, for example, states that "[t]he example serves as a message template containing a rich media video composition of the message that the client wishes to deliver to his audience. The example is of the prescribed duration and exhibits one complete advertising or other message as an example of one specific version of the intended communication to be delivered." (See applicants' specification, page 17, lines 23-26.)

Unlike the default advertisement example of the claimed invention, the Stanbach system receives e-mail messages and completed advertisements from a database for insertion into the e-mail messages. The advertisements received from the database are not default advertisement examples that provide "an intended message from said advertiser to said intended audience."

In view of the foregoing, applicants respectfully submit that independent claim 1 is allowable over Stanbach. Therefore, applicants respectfully request that the rejection of claim 1 be withdrawn by the Examiner.

Similarly, the remaining independent claim 9 is allowable for at least the same reasons. Therefore, applicants respectfully request that the rejection of independent claim 9 also be withdrawn by the Examiner.

The Examiner rejected dependent claims 4-6 and 10 under 35 U.S.C. § 102(e) as being anticipated by Stanbach. The Examiner rejected claim 7 under 35 U.S.C. § 103(a) as being unpatentable over Stanbach in view of Chen. The Examiner rejected claims 8 and 11 under 35 U.S.C. § 103(a) as being unpatentable over Stanbach in view of Gerace. Applicants respectfully submit that claims 4-8, 10, and 11, each of which depends from one of independent claims 1 and 9, are allowable for at least the same reasons that the independent claims are patentable as set forth above.

Therefore, applicants respectfully request that the Examiner withdraw the rejections of claims 4-8, 10, and 11.

The Examiner rejected independent claim 12 under 35 U.S.C. § 103(a) as being unpatentable over Stanbach in view of Chen in further view of Gerace. The Examiner's rejection of these claims under this section is respectfully traversed.

Applicants respectfully submit that the amendments made to independent claims 1 and 9 were also made to independent claim 12. Thus, independent claim 12 is allowable for at least the same reasons that independent claims 1 and 9 are patentable as set forth above. In view of the foregoing reason, applicants respectfully submit that independent claim 12 is allowable over Stanbach in view of Chen in further view of Gerace. Accordingly, applicants respectfully request that the rejection of claim 12 under 35 U.S.C. § 103(a) be withdrawn.

III.   Conclusion

The foregoing demonstrates that claims 1 and 4-12 are patentable. This application is therefore in condition for allowance. Reconsideration and prompt allowance are accordingly respectfully requested.

If it is believed that such contact would further the examination of the application, applicants courteously request that the Examiner contact the undersigned at the number listed below to schedule an interview at a time convenient for the Examiner.
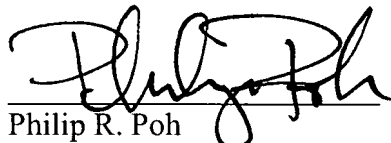
IV.   Authorization

The Director is hereby authorized to charge any additional fees, which may be required

for this Amendment, or credit any overpayment to Deposit Account No. 08-0219.

In the event that an extension of time is required, or which may be required in addition to

that requested in a petition for an extension of time, the Director is requested to grant a petition

for that extension of time which is required to make this response timely and is hereby

authorized to charge any fee for such an extension of time or credit any overpayment for an

extension of time to Deposit Account No. 08-0219.

Respectfully submitted,

WILMER CUTLER PICKERING
HALE AND DORR LLP

Date: June 29, 2007

Philip R. Poh
Registration No. 51,176
Attorney for Applicants

Wilmer Cutler Pickering
    Hale and Dorr LLP
399 Park Avenue
New York, NY 10022
Tel. 212-230-8800
Fax. 212-230-8888
Customer No. 28089

12